

**UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK**

IN RE: TERRORIST ATTACKS ON	:	Civil Action No.
SEPTEMBER 11, 2001	:	03 MDL 1570 (GBD) (FM)
	:	
	:	
<i>This document applies to</i>	:	
<i>Hoglan, et al. v. The Islamic Republic</i>	:	
<i>of Iran, et al.</i>	:	
<i>1:11-cv-07550-GBD</i>	:	

DECLARATION OF VAUGHN V. HOGLAN

I, Vaughn V. Hoglan, declare under penalty of perjury, pursuant to 28 U.S.C. § 1746, that the following is true and correct to the best of my knowledge, information and belief.

1. I am a resident of the State of California, a citizen of the United States of America and over the age of eighteen.
2. The information contained in this Declaration is true and is based upon my personal knowledge.
3. I am preparing this Declaration as the uncle of Mark Kendall Bingham, known to us as Kerry, in an effort to express the impact the death of my nephew has had on my life following the terrorist attacks of September 11, 2001.
4. I was fourteen when, in the summer of 1970, my older sister Alice brought her three-month old son Kerry home to live with us all in the family home in Miami. My brother Lee and I treated the little guy like a little brother, and folded him right into the family. We toughened him up, I guess, but he loved it. Kerry's casual nurturing by us, his two boisterous uncles, gave him a powerful introduction to life. We certainly were not skilled at childrearing but we must have done something right, because he loved us and sought us out, as we did him,

all throughout our lives. And Alice was grateful for all the love we gave Kerry (later “Mark”) in Kerry’s father’s absence.

5. As we all grew up in my parents’ home, Lee and I took Kerry on our fishing and shrimping adventures. The whole family took weekend trips to the Florida Keys, where our parents, Kerry’s grandparents Herb and Betty Hoglan, maintained a vacation home on Key Largo in addition to the large home they provided to all of us in the Miami area.

6. On one occasion in 1974 while Alice was working as a flight attendant and was away from home as a crewmember, our family received a call from Kerry’s father, who happened to be in town. He asked to see his son. I can remember bundling Kerry up and driving him to Miami International Airport so his father could visit with him for a half hour or so between flights. Fortunately, Kerry took the stress well, and knew despite all, that he was loved by his father. Jerry once remarked after Mark’s death: “He really loved his Uncle Vaughn.” It seems Mark talked about me to his dad frequently during his visits as an adult with his father.

7. Lee and I got a big kick out of it when Kerry took to building what he called “air houses” at about the age of three. In the hot weather, we all retreated to the relative cool of the house. Kerry would construct elaborate billowing wind tunnels made out of bed sheets, held together with clothespins, powered by a big box fan. He would just sit inside like King Farouk at one end of his tunnel, and glory in the whipping sheets and his very own cool, private air. Occasionally he would invite Lee or me or our younger sister Candy to crawl in there with him. That’s turned out to be just another crazy fun memory of my little nephew Kerry.

8. As a teenager I raised tropical fish in a tank our family home. I could not understand why they were dying until one day I discovered Kerry, age four, scooping the fish out

of the tank one by one, and “petting” them in his little hands, then carefully returning them to the water.

9. Lee and I gave Kerry his first taste of basketball, and we played together many afternoons. We taught him to play football and baseball. He quickly learned to love our hometown professional football team, the Miami Dolphins. We “guys” who spanned three generations spent many an afternoon in front of the family TV with our dad, Kerry’s Grandpa Herb, cheering or booing at every televised play, and yelling “Fins to the Bowl!”

10. By the time “Kerry” became “Mark” and excelled at rugby as a teenager, the whole family was content to watch that rough game---from the sidelines.

11. Mark and his mom had very little income during his growing-up years, so I was glad to pay some heavier expenses for my favorite---and only---nephew. My parents, and Lee, did the same. Mark repaid us in love and generosity, and, had he lived, I am sure he would have been a financial factor in our lives.

12. Early in his business career Mark needed a place to call “home” and I was more than happy to “sell” to him, for far less than market value, a property that I had owned for many years. He eventually moved up and on financially and I “purchased” the property back from him so my elderly parents would have a place to live. It was understood by the two of us that when and if the time was right he would “settle up with me” for those years.

13. I believe Mark mustered the toughness and courage to act heroically on 9/11 because he had been trained in competitive sports and rough-and-tumble teamwork from a very early age. Lee and I made sure of that.

14. On September 11, 2001, my wife Kathy and I were awakened and called to the phone just as morning was breaking here in Saratoga, California. It was Mark, calling from hijacked

United Airlines Flight 93, at 9:44 a.m. Eastern Time. He told us, "I just want to tell you guys I love you, in case I don't see you again. I'm on Flight 93 from Newark to San Francisco, and our plane has been taken over by three guys [it turned out there were four] who say they have a bomb." Mark's mom, who had been staying with my wife and me, spoke briefly to Mark too, but the phone call was dropped in the overload of panicked passengers phoning loved ones from the hijacked airplane. The three of us, Kathy, Alice and I, awakened only moments earlier, stood in the kitchen in our nightclothes. We struggled to do something effective in that terrible situation, as we turned on the television to see video footage of a Boeing 767 disappearing in a giant ball of flame into the side of the WTC South Tower. Then an idea hit me. "Call him back," I urged Alice. "Call him and tell him it is a suicide mission, that he must enlist some fellow passengers to fight those terrorists, because he is not going to get help from anyone on the ground. They will have to do it themselves." So Alice dialed Mark's cell phone number. Actually reaching Mark by phone was a hopeless cause. Mark's cell phone answering service, we discovered later, had already racked up forty or so phone messages from his anguished colleagues and friends on the East coast who sought reassurance that he was not flying that morning - that he was not in danger. We knew better. Alice left one message right after another, to be sure she had dialed correctly. "Mark, this is your mom," and she recited what I'd urged her to say: "It's a suicide mission...You won't get any help from authorities on the ground...Gather some fellow passengers and try to take back to plane...At the end, she added, "I love you, sweetie. Good luck." Audio files of those forty-two phone messages are now a permanent part of the New York 9/11 Memorial and Museum displays.

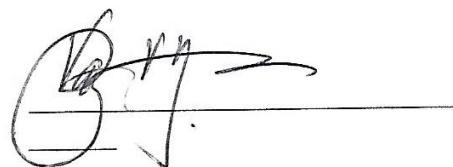
15. But Mark did not need any advice from us. The record shows that he and his pickup team of fellow passengers, Todd Beamer, Jeremy Glick, Tom Burnett and unnamed others, raced

up the aisle and were attacking the terrorists in the cockpit as the lead “pilot” terrorist desperately ended the passengers’ assault by inverting the airplane and crashing it straight down into an open field. The plane went down ninety miles southeast of Pittsburgh, less than fifteen air minutes from the U.S. Capitol in Washington, D.C.

16. I doubt anyone who loved Mark as we did will ever really get over September 11. Our parents, Mark’s grandma and grandpa Betty and Herb, Uncle Linden, Uncle Lee, Aunt Candy: all of us loved him. I am grateful I was able to contribute to Mark when he was my “little brother” and then to be able to remain an important part of his life during his high school years when we saw him nearly every day, and later during his college years while he grew to be an adult. And even later, as my wife, Kathy, and I, married and began our family. I can still see him jouncing our newborn triplets along up and down the hall adjacent our living room, singing, “The wheels on the bus go round and round....” Kathy and I are raising five children who will never know the influence of their cousin Mark in their lives, and that is a great loss.

I declare under penalty of perjury, pursuant to 28 U.S.C. §1746, that the following is true and correct to the best of my knowledge, information and belief.

EXECUTED this 3rd day of May, 2017.



Declarant